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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/944,435	10/06/1997	LAURENCE A. LAVENDEL	36-P143	1436

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EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 11/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

<b>Office Action Summary</b>	Application No.	Applicant(s)
	08/944,435	LAVENDEL ET AL.
	Examiner	Art Unit
	Sy D Luu	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) Responsive to communication(s) filed on 27 August 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims *SL*

- 4) Claim(s) 74-75, 77-82, 84-89, 91-96, 98-103, and 105-108 is/are pending in the application.
- 4a) Of the above claim(s) 1-73 *SL* is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 74-75, 77-82, 84-89, 91-96, 98-103, and 105-108 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:
1. received.
2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to the Amendment C, filed 8/27/2001. Claims 74-108 are pending in this application. Claims 74, 81, 88, 95 and 102 are independent claims. In the Amendment C, claims 74, 75, 77, 78, 81, 82, 84, 85, 88, 89, 91, 92, 95, 96, 98, 99, 102, 103, 105 and 106 were amended and claims 76, 83, 90, 97 and 104 were cancelled. This action is made Final.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 74-75, 77-82, 84-89, 91-96, 98-103, and 105-108 rejected under 35 U.S.C. 102(a) as being clearly anticipated by Adobe PhotoDeluxe 2.0 (“PhotoDeluxe”).

As per independent claim 74, PhotoDeluxe teaches a user interface comprising: a property page (fig. 2, “*Quality*” property page 20) providing an interface (Fig. 2, “*Quality*” interface 22), and at least first and second selection elements (fig. 2, “*Brightness/Contrast*” button 24 and “*Color Balance*” button 26) displayed in the property page, each of the at least first and second selection elements corresponding to a same control (“*Quality*” control) and representing a different appearance of the interface for the control provided by the property page (as shown on figs. 3 and 4); and wherein a first appearance of the interface is provided, in the

property page in response to selection of the first selection button (*Fig. 3 depicts an appearance corresponding to the selection of the “Brightness/Contrast” button 24*), and a second appearance of the interface is provided in the property page in response to selection of the second selection button (*Fig. 4 depicts an appearance corresponding to the selection of the “Color Balance” button 26*).

As per claim 75, which is dependent on claim 74, PhotoDeluxe teaches said property page to have a control region (*figs. 3 and 4, control region 30*), which comprises at least one control element (*figs. 3 and 4, control elements 32*).

As per claim 77, which is dependent on claim 74, PhotoDeluxe teaches said first and second selection elements to be shown both when the first appearance is provided and when the second appearance is provided (*Figs. 3 and 4, both “Brightness/Contrast” 24 and “Color Balance” 26 buttons are shown in the first and second appearances*).

As per claim 78, which is dependent on claim 75, PhotoDeluxe teaches said control element to comprise at least one element selected from the group of list boxes, text boxes, check boxes, slides, buttons, and editable curves (*Figs. 3 and 4, control elements 32*).

As per claim 79, PhotoDeluxe teaches said property page to provide tone control (*Fig. 3, “Brightness/Contrast” 24 provides Tone control*) for an image acquisition device (*Fig. 1, scanner device selection 10*).

As per claim 80, PhotoDeluxe teaches the user interface being executed in a windowing environment (*Figs 1-4 depict Photo Deluxe to be running in a windows environment*).

Claims 81, 88, 95 and 102 are similar in scope to claim 74, and are therefore rejected under similar rationale.

Claims 82, 89, 96 and 103 are similar in scope to claim 75, and are therefore rejected under similar rationale.

Claims 84, 91, 98 and 105 are similar in scope to claim 77, and are therefore rejected under similar rationale.

Claims 85, 92, 99 and 106 are similar in scope to claim 78, and are therefore rejected under similar rationale.

Claims 86, 93, 100 and 107 are similar in scope to claim 79, and are therefore rejected under similar rationale.

Claims 87, 94, 101 and 108 are similar in scope to claim 80, and are therefore rejected under similar rationale.

#### *Response to Arguments*

4. Applicant's arguments with respect to independent claims 74, 81, 88, 95 and 102 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adobe Press Release ("Adobe Announces New Version of Consumer Photo-Editing Software, Adobe PhotoDeluxe 2.0"; 11 August 1997)

*Inquires*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 6:30 am to 4:00 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sy D. Luu  
Patent Examiner  
November 6, 2001



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173